



Connecticut Department of
**ENERGY &
ENVIRONMENTAL
PROTECTION**

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Declaration of Regulation Change (19-04)

Under authority of Section 26-25 of the Connecticut General Statutes the commissioner may, when she finds that the harvest level for a species exceeds or fails to meet the harvest level for efficient management of such species, declare a closed season or extend the open season for the sport fishing of such species. Under the authority of 26-159a of the Connecticut General Statutes and Section 26-159a-22 of the Regulations of Connecticut State Agencies, the Commissioner of Energy and Environmental Protection is authorized to establish or adjust, by declaration, closed seasons, length limits, creel limits, trip limits and trip limit adjustment values in order to comply with interstate fishery management plans adopted by the Atlantic States Marine Fisheries Commission or the U.S. Department of Commerce.

UPDATED RECREATIONAL FISHERY MEASURES

In accordance with the aforementioned authority the following sections of departmental regulations are amended as specified on pages 2 through 6 of this declaration:

- 26-159a-1. Sport and commercial restrictions for marine and anadromous species;
- 26-159a-2. Striped bass (*Morone saxatilis*);
- 26-159a-4. Minimum lengths;
- 26-159a-7. Creel limits, and;
- 26-159a-20. Closed recreational fishing seasons.

 4/15/19

Katherine S. Dykes Date
Commissioner

Under the authority of RCSA Sec. 26-159a-22 the sport fishing minimum length and creel (possession) limits are modified as follows:

26-159a-2. Striped bass (*Morone saxatilis*)

(a) Except as provided in subsection (h) of this section, the minimum legal length and daily creel limit for striped bass shall be as specified in sections 26-159a-4 and 26-159a-7, respectively, of the Regulations of Connecticut State Agencies.

(h) Bonus Striper Fishing Program. In addition to the creel limit specified in Section 26-159a-7, one striped bass at least 22 inches but less than 28 inches total length may be possessed daily between May 1 and December 31, both dates inclusive, provided the person harvesting such fish has a valid Connecticut resident or non-resident fishing license and such fish is affixed with a valid 2019 bonus striped bass tag issued by the department.

(1) The tag shall be permanently affixed to the lower jaw of the fish immediately upon harvest. The tag shall remain affixed to the fish until such fish is taken to the home or other location where the fish is to be consumed.

(2) The person taking such bonus striped bass shall immediately upon harvesting such fish, record the date of harvest, the total length of the fish harvested, and their conservation identification number on the 2019 bonus striped bass catch report card issued with the tag by the department. The person harvesting such fish shall mail or otherwise return such report card to the department within forty-eight hours of harvesting such fish.

26-159a-4. Minimum lengths

(a) No person, while on the waters of this state or on any parcel of land, structure, or portion of a roadway abutting tidal waters of this state shall possess or land any fish of the following species taken by sport fishing methods, regardless of where taken, if it is less than the identified length as measured from the tip of the snout to the end of the tail:

(1) Scup (porgy) (*Stenotomus chrysops*): ~~[10.5]~~ 9 inches, except that no person ~~[on a vessel operating under the authority of a party/charter vessel registration issued under section 26-142a of the Connecticut General Statutes shall possess or land fish less than 11 inches;]~~ at an enhanced opportunity shore fishing site defined in subsection (d) of this section shall possess or land fish less than 8 inches;

(3) Summer flounder (fluke) (*Paralichthys dentatus*): ~~[19.5]~~ 19 inches, except that no person at an enhanced opportunity shore fishing site defined in subsection (d) of this section shall possess or land fish less than 17 inches;

(7) Tautog (blackfish) (*Tautoga onitis*): ~~[14]~~ 16 inches;

(10) Black sea bass (*Centropristis striata*): ~~[12]~~ 15 inches;

(11) American eel (*Anguilla rostrata*): ~~[6]~~ 9 inches;

(d) Enhanced opportunity shore fishing site means any public access fishing site listed in Appendix A.

26-159a-7. Creel limits

(a) Unless otherwise specified in section 26-112-45 of the Regulations of Connecticut State Agencies, the daily creel limit for species taken by sport fishing methods, including spears of any kind, shall be as set forth in this subsection. No person, other than a person authorized to take finfish under a license or registration issued pursuant to section 26-142a of the Connecticut General Statutes, while on the waters of this state or on any parcel of land, structure, or portion of a roadway abutting tidal waters of this state shall possess or land any of the following species, regardless of where taken, in excess of the identified number.

(2) Black sea bass (*Centropristis striata*): ~~[25]~~ 5 fish, except that paying passengers on a vessel operating under the authority of a party or charter fishing vessel registration issued under section 26-142a of the Connecticut General Statutes may possess not more than 7 fish from September 1 through December 31, all dates inclusive;

(3) Summer flounder (fluke) (*Paralichthys dentatus*): ~~[5]~~ 4 fish;

(5) Scup (porgy) (*Stenotomus chrysops*): ~~[10]~~ 30 fish, except that paying passengers on a vessel operating under the authority of a party/charter vessel registration issued under section 26-142a of the Connecticut General Statutes may possess ~~[45]~~ 50 fish per angler from September 1 to October ~~[15]~~ 31, inclusive;

(6) American eel (*Anguilla rostrata*): ~~[50]~~ 25 fish;

(7) Winter flounder (*Pseudopleuronectes americanus*): ~~[10]~~ 2 fish;

(10) Tautog (blackfish) (*Tautoga onitis*): ~~[4]~~ 2 fish from ~~[January]~~ April 1 to April 30, 2 fish from July 1 to August 31, and ~~[4]~~ 3 fish from October ~~[1]~~ 10 to November 28, all dates inclusive;

(12) Weakfish (*Cynoscion regalis*): ~~[6]~~ 1 fish; ~~[and]~~

(13) Striped bass (*Morone saxatilis*): ~~[2]~~ 1 fish; ~~[and]~~

(14) Menhaden (*Brevoortia tyrannus*): 50 fish or 5 gallons, whichever is the greater amount.

Under the authority of CGS Section 26-25, the following closed recreational fishing seasons will be effective upon publication in the Connecticut Law Journal.

26-159a-20. Closed recreational fishing seasons

(a) No person, while on the waters of this state or on any parcel of land, structure, or portion of a roadway abutting tidal waters of this state shall take, possess or land any of the following species taken by sport fishing methods, regardless of where taken, **except** during the following periods.

~~[(1) Scup (porgy) (Stenotomus chrysops): For persons on a vessel operating under the authority of a party/charter vessel registration issued under section 26-142a of the Connecticut General Statutes, October 16 to June 11, inclusive; for all other persons, September 27 to May 23, inclusive;]~~

(2) Tautog (Tautoga onitis): ~~[May 1 to June 30, September 1 to September 30, and December 7 to December 31];~~ April 1 to April 30, July 1 to August 31, October 10 to November 28, all dates inclusive;

(3) Summer flounder (fluke) (Paralichthys dentatus): ~~[September 2 to May 23],~~ May 4 to September 30, both dates inclusive; ~~[and;]~~

(4) Winter flounder (Pseudopleuronectes americanus): ~~[May 31 to March 31]~~ April 1 to December 31, both dates inclusive; **and**

(5) Black sea bass (Centropristis striata): May 19 to December 31, all dates inclusive.

Appendix A. Section 26-159a(d) Enhanced Opportunity Shore Fishing Sites at which summer flounder and scup may be taken as small as 17 and 8 inches, respectively.

County	City	Owner	Site (w/ Link)
Fairfield	Bridgeport	City	Pleasure Beach Fishing Pier
Fairfield	Bridgeport	City	Saint Mary's by the Sea
Fairfield	Bridgeport	City	Seaside Park
Fairfield	Fairfield	City	Ash Creek Open Space
Fairfield	Fairfield	City	Jennings Beach
Fairfield	Fairfield	City	Penfield Beach
Fairfield	Fairfield	City	Penfield Reef
Fairfield	Norwalk	City	Calf Pasture Beach
Fairfield	Norwalk	City	Maritime Aquarium Park
Fairfield	Stratford	City	Bond's Dock
Fairfield	Stratford	City	Long Beach
Fairfield	Stratford	City	Point-No-Point
Fairfield	Stratford	City	Russian Beach
Fairfield	Stratford	City	Short Beach Park
Fairfield	Westport	State	Sherwood Island State Park
Middlesex	Old Saybrook	State	South Cove Causeway
Middlesex	Old Saybrook	City	Saybrook Point
New Haven	Branford	City	Branford Point
New Haven	Guilford	City	Chaffinch Island Park
New Haven	Madison	State	Hammonasset Beach State Park
New Haven	Milford	Audubon	Connecticut Audubon Coastal Center
New Haven	Milford	City	Gulf Beach
New Haven	Milford	State	Silver Sands State Park
New Haven	New Haven	City	Criscuolo Park
New Haven	New Haven	State	Tomlinson Bridge Fishing Pier
New Haven	New Haven	State	Fort Nathan Hale Park
New Haven	West Haven	City	Bradley Point Park
New Haven	West Haven	City	Sandy Point
New Haven	West Haven	City	Sandy Point Bird Sanctuary

Appendix A, Continued. Section 26-159a(d) Enhanced Opportunity Shore Fishing Sites at which summer flounder and scup may be taken as small as 17 and 8 inches, respectively.

County	City	Owner	Site (w/ Link)
New London	East Lyme	City	<u>Cini Memorial Park</u>
New London	East Lyme	City	<u>Hole-in-the-Wall Beach</u>
New London	East Lyme	City	<u>McCook Park</u>
New London	East Lyme	State	<u>Rocky Neck State Park</u>
New London	Groton	State	<u>Bluff Point State Park and Reserve</u>
New London	Groton	State	<u>UConn-Avery Point</u>
New London	Groton	City of Groton	<u>Eastern Point Beach</u>
New London	New London	City	<u>City Pier and Waterfront Park</u>
New London	New London	State	<u>Fort Trumbull State Park</u>
New London	Old Lyme	State	<u>DEEP Marine Headquarters-Ferry Landing Park</u>
New London	Stonington	City	<u>Mystic River Park</u>
New London	Stonington	State	<u>Stonington Point</u>
New London	Stonington	City	<u>Stonington Town Dock Fishing Pier and Memorial</u>
New London	Waterford	State	<u>Harkness Memorial State Park</u>
New London	Waterford	City	<u>Mago Point Park</u>
New London	Waterford	City	<u>Waterford Beach Park</u>

Justification for Marine Fisheries Regulation Declaration 19-04

Need: To comply with mandatory provisions of Atlantic States Marine Fisheries Commission (ASMFC) Fishery Management Plans (FMP) for the subject species.

Under 16 U.S.C. Chapter 17 - Atlantic Coastal Fisheries Cooperative Management Act (ACFCMA) Section 5106, states are required to implement and enforce ASMFC FMP's. If a state fails to implement mandatory measures of a Commission plan, the Secretary of Commerce is required to impose a moratorium on fishing for that species within the waters of the non-complying state.

Management Background: Summer flounder, scup and black sea bass are managed jointly between ASMFC and the Mid-Atlantic Fishery Management Council under a single FMP utilizing annual catch quotas. American eel, striped bass, tautog and winter flounder are managed under ASMFC authority only. Menhaden is also managed by the ASMFC. The menhaden creel limit is being adopted in response to state resident concerns that unlicensed commercial fishing was taking place. The creel limit is intended as a law enforcement tool and is not intended to limit recreational harvest.

American eel Addendum III requires states to adopt a 9 inch minimum size and 25 fish creel limit to provide additional conservation for the yellow eel life stage and consistent with 26-159a-4 (size limits) and 26-159a-7 (creel limits) applies to all tidal waters of the state, including in the inland district.

Summer flounder has been managed by region since 2014 with Connecticut and New York forming a region. Each state within the region is compelled under Addendum XXVII to the FMP to adopt identical minimum size and creel limits and limit the open season to a specific number of days. Addendum XXVIII, approved in early 2017, required raising the minimum length to 19 inches and reducing the possession limit to 3 fish, with the open season length remaining status quo. Because the 2017 projected harvest was less than the 2018 recreational harvest limit, management action by the ASFMC and the MAFMC in late 2017 and early 2018 allowed regions to relax management measures for 2018. In response, Connecticut and New York gained ASFMC approval to change the possession limit to 4 fish and modestly lengthen the season in 2018. The minimum size remained at 19 inches (17 inches at enhanced opportunity shore fishing sites). For 2019, recreational measures for the CT-NY region were kept status quo given that estimated 2018 recreational harvest approximated the 2019 recreational harvest limit.

A regional (MA-NY constitute the "northern region") management approach for **scup** has been in place for several years. Although further liberalization in the scup minimum size and creel limits has been permitted since 2013, Connecticut maintained conservative management measures in 2013 and 2014. In 2015 the minimum size and creel limit were liberalized to match neighboring states. Those 2015 measures were retained in 2016 and 2017. Because the 2017 projected harvest was less than the 2018 recreational harvest limit, management action by the ASFMC and the MAFMC in late 2017 and early 2018 allowed regions to further relax management measures for 2018. In response, the northern region gained ASFMC approval to reduce the minimum size to 9 inches in 2018. Connecticut was also allowed to reduce the minimum size at enhanced opportunity shore fishing sites to 8 inches. In 2019, ASMFC approved proposals from the northern region for minor liberalizations to scup measures, given

coastwide harvest in 2018 was 30% lower than the recreational harvest limit. After considering and gathering public input on several potential options, the northern region states reached consensus to open the scup season year-round in 2019, and to increase party/charter creel limits from 45 to 50 fish during each states' current party/charter bonus season (for CT: Sept 1 – Oct 31).

Regional (MA-NJ) management for **black sea bass** has been in place since 2013. Addendum XXX to the ASFMC FMP for black sea bass, adopted in early 2018, revised the management regions, established regional allocations of the recreational harvest limit, and required states within a region to develop similar measures that could not depart from a “regional standard” by more than three fish in possession limit and one inch in minimum size. The 2017 projected northern region (MA, RI, CT, NY) harvest exceeded the 2018 allocation of the recreational harvest target, and a regional harvest reduction was therefore required for 2018. Because Connecticut had an open season that was considerably longer than other states in the northern region, the regional standard approach adopted under Addendum XXX resulted in Connecticut bearing the brunt of the required regional reduction; Connecticut was required to substantially reduce the planned open season for 2018 and reduce the planned possession limit to achieve a 28.5% reduction in harvest. Subsequently, prior to the opening of the 2018 black sea bass season, northern region states filed an appeal with ASMFC seeking to address what the region viewed as an Addendum XXX outcome that was inequitable and not based on the best available science. The northern region appeal requested the initiation of a new Addendum that would institute the 2011 – 2015 timeframe for regional re-allocation of the recreational harvest limit, and also incorporate updated harvest data which would allow for more equitable regional management of black sea bass for 2018.

The northern region states (MA-NY) met via conference call on April 27, 2018 and reached a compromise in an effort to develop revised 2018 recreational measures that would meet the needs of the northern region without unduly impacting other regions, while still constraining harvest to the 2018 recreational harvest limit. The northern region appeal and revised 2018 recreational measures were heard at the ASMFC Interstate Fishery Management Plan Policy Board on May 3, 2018. The proposed northern region 2018 revised recreational measures were approved by the Policy Board and subsequently implemented by the ASMFC Summer Flounder, Scup and Black Sea Bass Management Board, allowing Connecticut to forgo the planned reductions in season length and possession limit that had been required as a result of Addendum XXX. The Policy Board also initiated new management action for the 2019 black sea bass recreational fishery and tasked the Plan Development Team with developing a white paper to consider the impacts of changes in black sea bass abundance and distribution to the management of commercial and recreational fisheries. For 2019, the ASMFC Summer Flounder, Scup, and Black Sea Bass Management Board approved status quo recreational measures for black sea bass for all states, given relatively close correspondence of estimated 2018 recreational harvest and the 2019 recreational harvest limit, and the anticipated completion of a black sea bass stock assessment in late 2019 that likely will require adjustments to prevailing recreational measures.

Striped bass Addendum IV, approved at the February 4, 2015 ASMFC meeting called for a 25% reduction in Amendment VI commercial fisheries quota and a 25% reduction in the collective coastal states sport harvest (relative to 2013 harvest) in 2015. Public input strongly favored 1 fish at 28 inches or stricter measures. A minimum size of 28 inches and a possession limit of 1 fish was instituted in 2015 and has been in place since.

The 2016 stock assessment for **tautog** assessed Long Island Sound as a separate population for the first time and determined that tautog were overfished and that overfishing was occurring. Amendment 1 to the ASFMC FMP for Tautog required that Connecticut and New York develop recreational and commercial management measures to reduce harvest by 20.3%. (the original draft amendment specified a 47% reduction, but Connecticut and New York gained Tautog Board approval for a more modest reduction). In response, the two states developed common recreational measures that include the same possession limits, minimum size, spring and summer seasons (fall seasons differ in length) for 2018.

Winter flounder is managed by NOAA Fisheries in federal waters and ASMFC in state waters. Since only a fraction of the state waters catch limit (set aside) is being used, ASMFC was able to adopt a 10 month open season for recreation harvest in 2014 and maintain such a season through 2018.

Enhanced shore fishing opportunity is being provided again at 46 public access areas where anglers will be able to take summer flounder two inches smaller and scup one inch smaller than the prevailing minimum size.

The **Bonus Striper Fishing Program** was renewed in 2019 with the longer season (May-December) that was first adopted in 2014, versus the May-June open season in prior years. The ASMFC Law Enforcement Committee recommended that such bonus striper programs require fish to be tagged. This recommendation was incorporated in 2015 and was maintained in 2019. The number of fish available for harvest was reduced by 25% (to 3,018 fish) in 2015 consistent with the mandated 25% reduction in quota allocation. That quota is being maintained.

Public Input/Notice: Public input on striped bass was received at the August 26, 2014 ASMFC Public Hearing Marine Fisheries hosted in Old Lyme for Addendum IV. For tautog, the Department hosted an ASFMC public hearing on June 26, 2017 to get public input on Draft Amendment 1 to the tautog FMP. On January 10, 2018 the department hosted an ASMFC public hearing to receive public input on Draft Addendum XXX to the Black Sea Bass FMP. The Department's Marine Advisory Group considered at a meeting on July 24, 2017 the developing ASFMC management actions on tautog and black sea bass. On March 5, 2018 the Department held public a meeting in Old Lyme, CT to get final input on proposed recreational management measures for tautog, scup, summer flounder and black sea bass. The input and recommendations from this meeting were presented for consideration and discussion by the Department's Marine Advisory Group on March 12, 2018 and again for the Department's Fisheries Advisory Council on March 15, 2018. On November 5, 2018 the Department hosted an ASMFC public hearing to receive public input on Draft Addenda XXXI and XXXII to the Black Sea Bass FMP. On February 27 and 28, 2019 the Department held public meetings in Old Lyme and Milford, respectively, to gather public input on potential changes to scup regulations in 2019; a meeting of the Department's Marine Advisory Group was also held on March 5, 2019 to discuss 2019 scup regulations. Notice of the hearings and public meetings was sent out on the Marine Fisheries News ListServ (approx. 1,000 recipients).

Public input on other species included in this declaration were received at the time changes were last considered under ASMFC plan adjustments.

Special Note: Notice of the modifications to closed seasons in Section 26-159a-20 will be published in the Connecticut Law Journal as required by CGS 26-25.

DECLARATION AUTHORITY

Regulation 26-159a-22. Compliance with Interstate Fishery Management Plans.

(a) The Commissioner may, by declaration, establish and adjust closed seasons, length limits, creel limits, trip limits, and trip limit adjustment values in order to comply with interstate fishery management plans and emergency actions adopted by the Atlantic States Marine Fisheries Commission or the U.S. Department of Commerce.

(b) The Commissioner shall inform the public of all such changes at least 10 days prior to the effective date by placing posters at state boat launch areas, by issuing news releases, by mailing notices to bait and tackle shops and by mailing notices to all affected license holders.

(c) Any declaration made under this section shall be for a period not more than 120 days provided, if notice of intent to amend regulations has been published under Chapter 54, such declaration shall remain in effect until said regulations have been adopted, but not longer than 240 days.

CGS Sec. 26-25. Commissioner may declare closed season or extend open season. (a) The commissioner may, when he finds that extraordinary precautions are necessary to prevent fires in any woodland of the state, declare a closed season, during which sport fishing in inland waters or hunting on any land or waters of the state shall be suspended and the provisions relating to closed seasons shall be in force; but the provisions of this section shall not apply to the hunting of sea coots (scoters), old squaw and eider ducks from boats or rock formations in open coastal waters seaward of the first upstream bridge; to licensed shooting preserves, or to authorized field trials sanctioned by the American Kennel Club or American Field; or to sport fishing from boats, docks, wharves, floats or bridges in lakes and ponds, the Connecticut River, the Thames River and the Housatonic River downstream of Derby Dam when such lakes, ponds and rivers can be reached over open roads and access to such lakes, ponds and rivers by sport fishermen is by this means, to shad fishing at the state-controlled area of the Enfield Dam in Suffield, or to fishing in licensed commercial hatcheries. Upon the termination of the necessity for any such closed season, the commissioner may reopen the season. Whenever the commissioner, under the provisions of this subsection, declares a closed season for any period, he may extend the open season for an equal period.

(b) The commissioner may, when he finds that the harvest level for a species exceeds or fails to meet the harvest level for efficient management of such species, declare a closed season or extend the open season for the sport fishing, hunting or trapping of such species. Any closed season or extended open season may be limited to a specific area.

(c) Whenever the commissioner declares a closed season, the reopening of a closed season or the extension of an open season under the provisions of this section, he shall cause notice thereof to be published in the Connecticut Law Journal.